

Michael E. Alvarado, Jr.  
Attorney at Law  
P.O. Box 1425  
Poulsbo, WA 98370

The Hon. Judge Rossmeisl  
Chapter 7  
Hearing Date: 2-15- 07  
Hearing Time: 9:00 a.m.  
Hearing Place: Yakima, WA

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

**In Re:** )  
)  
**MARY ANN SCHAPPALS,** )  
)  
**Debtor,** )  
\_\_\_\_\_)  
**ESTATE OF HOWARD ARMSTRONG** )  
)  
**Plaintiff,** )  
)  
**vs.** )  
)  
**MARY ANN SCHAPPALS,** )  
)  
**Defendant.** )  
\_\_\_\_\_)

**NO. 05-05062PCW7**

**Adv. Proc. No. 05-80160-JAR**

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
IN SUMMARY JUDGMENT**

**THIS MATTER HAVING COME ON REGULARLY** before the undersigned Judge of the above entitled court, on the plaintiff's motion for Summary Judgment, plaintiff appearing by and through it's attorney, Michael E. Alvarado, Jr., defendant appearing personally without counsel, and the court having heard the arguments of the parties, having reviewed the files and records herein and deeming itself fully advised in the premises makes the following:

**FINDINGS OF FACT**

(a) This matter was tried to the Superior Court of Washington for Kitsap County, a

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW -1  
ADV. NO. 05-80160-JAR**

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Fax. 360- 598-3788

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2  
3 court of competent jurisdiction, in Cause No. 04-4-00747-9 and judgment was entered on March  
4 2, 2005;

5 (b) The parties to the Superior Court action are the same parties before the court in  
6 this cause and the issues before the court were the same issues before the court in this cause.

7 (c) The Debtor/Defendant was represented by an attorney; and,

8 (d) The Superior court found that the Debtor/Defendant, Mary Ann Schappals breached  
9 her fiduciary duty to Howard Armstrong and the Estate of Howard Armstrong and is indebted to  
10 the Estate of Howard C. Armstrong in the sum of \$91,500.00.

11 **FROM THE FOREGOING FINDINGS OF FACT THE COURT MAKES THE**  
12 **FOLLOWING CONCLUSIONS OF LAW:**

13 (a) At all times material hereto, Mary Ann Schappals was a fiduciary for Howard C.  
14 Armstrong and the estate of Howard C. Armstrong;

15 (b) The trial of this matter to the Superior Court resolved all of the issues presented to  
16 this court. The trial courts Findings of Fact and Conclusions of Law are binding on this court  
17 under the doctrine of res judicata/collateral estoppel.

18 **ACCORDINGLY, the court will issue an Order of Summary Judgment.**

19  
20  
21  
22  
23  
24 Presented by:

25 /s/

26 Michael E. Alvarado, Jr.  
27 WSBA #6731  
28 Attorney for Plaintiff



02/14/2007 10:53:29 AM

A handwritten signature in black ink, appearing to read "John A. Rossmeissl", is written over a horizontal line.

John A. Rossmeissl  
Bankruptcy Judge

**FINDINGS OF FACT AND**  
**CONCLUSIONS OF LAW -2**  
**ADV. NO. 05-80160-JAR**

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